

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Kyle J. Burke

Write the full name of each plaintiff.

____ CV ____
(Include case number if one has been assigned)

-against-

United States ~~District Court~~ ^{US Attorneys Office}
Eastern ~~Southern~~ District of New York

COMPLAINT

Do you want a jury trial?
☐ Yes ☒ No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

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2022 MAY -5 AM 10:19

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ Federal Question

☐ Diversity of Citizenship

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

Prosecutorial misconduct through Outsized
damages

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, Kyle J Burke, is a citizen of the State of
(Plaintiff's name)

New York

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, ~~US District Court for the Eastern District of New York~~ ^{Attorney} is a citizen of the State of Pacific
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of _____.

If the defendant is a corporation:

The defendant, ~~US District Court for the Eastern District of New York~~ ^{Attorney}, is incorporated under the laws of the State of Eastern District of New York

and has its principal place of business in the State of NY

or is incorporated under the laws of (foreign state) New York

and has its principal place of business in New York.

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

<u>Kyle</u>	<u>J</u>	<u>Burke</u>
First Name	Middle Initial	Last Name
<u>198 Pacific Street Brooklyn NY</u>		
Street Address		
<u>Brooklyn</u>	<u>NY</u>	<u>11201</u>
County, City	State	Zip Code
<u>202-903-4925</u>	<u>KyleJBurke1227@gmail.com</u>	
Telephone Number	Email Address (if available)	

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:	<u>United States Attorney for the Eastern District</u> <div style="display: flex; justify-content: space-between;"> First Name Last Name of New York </div>		
	<hr/> Current Job Title (or other identifying information)		
	<hr/> Current Work Address (or other address where defendant may be served)		
	<u>Brooklyn</u> County, City	<u>NY</u> State	<u>11201</u> Zip Code
Defendant 2:	<hr/> <div style="display: flex; justify-content: space-between;"> First Name Last Name </div>		
	<hr/> Current Job Title (or other identifying information)		
	<hr/> Current Work Address (or other address where defendant may be served)		
	<hr/> County, City	<hr/> State	<hr/> Zip Code
Defendant 3:	<hr/> <div style="display: flex; justify-content: space-between;"> First Name Last Name </div>		
	<hr/> Current Job Title (or other identifying information)		
	<hr/> Current Work Address (or other address where defendant may be served)		
	<hr/> County, City	<hr/> State	<hr/> Zip Code

Defendant 4:

First Name

Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

III. STATEMENT OF CLAIMPlace(s) of occurrence: 198 Pacific Street Brooklyn NYDate(s) of occurrence: 5/5/2022**FACTS:**

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

The United States Attorney lost custody of a taped recording of a cooperating witness and myself. I heard the recordings at approximately 3 AM 5/5/22 outside of my open window whilst ~~was~~ attempting to fall asleep. The recording ~~was~~ contained information relevant to my relationships or contacts with alleged members of organized crime in NYC,

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Outsized ~~at~~ injuries have occurred given the previous admission by the US Attorney's office in ~~the~~ Arbitration that there were damages assessed in ~~the case~~ the case. initially

IV. RELIEF

State briefly what money damages or other relief you want the court to order.


I asked that the court double the money damages ~~previously granted agree~~ most recently agreed upon in arbitration. Given this is not the first ^{instance} of prosecutorial misconduct after the original injury.

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>5/5/2022</u>		<u></u>	
Dated		Plaintiff's Signature	
<u>Kyle</u>	<u>J</u>	<u>Burke</u>	
First Name	Middle Initial	Last Name	
<u>199</u>	<u>Pacific Street</u>		
Street Address			
<u>Brooklyn</u>	<u>NY</u>	<u>11201</u>	
County, City	State	Zip Code	
<u>202-903-4925</u>	<u>Kyle J. Burke 1227@gmail.com</u>		
Telephone Number	Email Address (if available)		

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☐ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.